

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DENZELL METCALF,

Plaintiff,

v.

VIAPATH TECHNOLOGIES
TOUCHPAZ HOLDINGS, LLC and
GLOBAL TEL LINK CORPORATION,

Defendants.

Case No. 1:24-cv-00004-HBK

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff, a prisoner, initiated this action on January 2, 2024, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint (Doc. No. 2) and submitted a copy of his prison trust fund statement and/or certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(B), Plaintiff is obligated to make an initial payment of \$53.00¹ (20% of the average monthly balance).** Thereafter, Plaintiff must make monthly payments of 20% of the

¹ The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had an average monthly balance of \$264.78 during the relevant six-month period.

1 preceding month's income credited to his trust account. The California Department of
2 Corrections is required to send the initial \$53.00 payment to the Clerk of the Court and
3 subsequent payments from Plaintiff's account each time the amount in her account exceeds
4 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

5 ACCORDINGLY, it is **ORDERED**:

6 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.
7 2. **The Secretary of the California Department of Corrections, or his designee shall**
8 **forward an initial payment of \$53.00 to the Clerk of the Court from Plaintiff's prison trust**
9 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
10 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
11 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
12 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
13 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
14 number assigned to this action.

15 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
16 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
17 the court's electronic case filing system (CM/ECF).

18 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
19 Department, U.S. District Court, Eastern District of California.

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21 Dated: February 14, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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